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March 3, 2023

VIA ECF

Magistrate Judge Therese Wiley Dancks
U.S. District Court
100 S. Clinton Street
Syracuse, NY 13261

Re: *Young America's Foundation et al v. Stenger et al*, 3:20-cv-822-LEK-ML

Dear Judge Dancks,

Pursuant to the Court's February 17, 2023 Order ("Order"), ECF No. 216, the parties respectfully submit this joint status report regarding the progress of the litigation.

I. Locations of Nelson, Scagnelli, Kessler, Babadina, and Murray and deposition of Butler.

The parties have met and conferred regarding the locations of Nelson, Scagnelli, Kessler, Babadina, and Murray and their availability for depositions. Plaintiffs have not been able to locate those individuals, despite diligent attempts to contact them through current and former members of the College Republicans. The parties have discussed the issue, and State Defendants have agreed to search university records to determine whether last known addresses can be located for those individuals and, if available, provide that information to Plaintiffs to contact those individuals. Plaintiffs will provide State Defendants the last known contact information for those individuals where available. If these individuals can be located, and their availability to be deposed, State Defendants have indicated that they may need to request an extension of the discovery deadline within the limits

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discussed by the Court at the last judicial conference, and will advise the Court as soon as possible.

Additionally, the parties have met and conferred regarding Randi Butler's deposition. State Defendants' attorneys have provided Plaintiffs with available dates of availability and Plaintiffs will coordinate with Butler.

II. Plaintiffs will timely serve discovery responses as to Restuccia and Kannappan.

The parties met and conferred regarding Plaintiffs' responses to State Defendants requests for production of documents related to Restuccia and Kannappan. Plaintiffs will timely serve responses to State Defendants' requests on March 3, 2023.

III. Depositions of Chronopolous, Silverstein, and Massey

The parties also met and conferred regarding the potential depositions of Chronopolous, Silverstein, and Massey. In the interest of completing discovery by the March 31, 2023 deadline, Plaintiffs are no longer pursuing depositions of those individuals.

Respectfully Submitted,

/s/ Andrew C. Hruska
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